PRE-INCIDENT PLANNING CHAPTER 2

2.1 Purpose

Trustees are strongly encouraged to undertake NRDA pre-incident planning.[1] This planning should complement response planning undertaken by Regional Response Teams (RRT) and Area Planning Committees (APC).[2] NRDA plans should identify the responsibilities of the trustees in the case of an oil spill incident, and should identify how trustees and response personnel will coordinate their activities during the early phase of an incident. Pre-incident plans should also allow for the compilation of information needed by the trustees to begin NRDA activities. Whenever possible, the trustees are encouraged to include RPs in the pre-incident planning process. Pre-incident planning and coordination among the principal parties involved can be major factors in the success of an NRDA.

Useful products in pre-incident planning could include a Memorandum of Understanding (MOU) between trustees and model Memorandum of Agreement (MOA) between trustees and RPs. Trustees are referred to Appendix D for examples of MOUs and MOAs. These agreements foster the cooperation and coordination of the trustees and RPs in the planning and completion of NRDA activities, and application of any natural resource damages recovered for restoration. The agreements should provide a framework for the implementation of a NRDA and associated party responsibilities. Agreements should be prepared during the pre-incident planning process. If there is no agreement in place, one should be prepared soon after the occurrence of an oil spill incident.

2.2 Scope

To the extent practicable, trustees, in conjunction with other willing participants, could undertake pre-incident planning activities, similar to the oil contingency planning activities outlined in § 4202(a) of OPA for Area Planning Committees. The trustees could establish working groups at the regional or local area level to undertake these activities.

2.2.1 Identify NRDA Teams

The NRDA process should ensure an interdisciplinary approach for the integrated use of science, economics, and law necessary in planning and implementing restoration. Trustees are encouraged to identify appropriately experienced personnel needed for natural resource assessment teams at the area and regional levels.

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1 OPA regulations at § 990.15.

2 Refer to the National Contingency Plan at 40 CFR part 300 at § 300.615.

The make-up of natural resource assessment teams should be appropriate to the scope and scale of the incident and natural resources and/or services injured. For instance, for incidents with complicated or long-term ecological injuries, the core team could include a trustee agency coordinator, natural resource biologist, environmental (petroleum) chemist, natural resource economist, restoration expert, administrative specialist, quality assurance (QA) specialist, data manager/sample custodian, statistician, and natural resource attorney. Appendix E includes a discussion of the roles of these team members. It is not always necessary to have a different person for each role, but experience has shown that each role may be a full-time commitment, especially for significant incidents.

If at all possible, the team should not be *ad hoc*. Members of the NRDA team should be knowledgeable about relevant statutes and regulations and be able to establish a working relationship with the various parties likely to be involved in incidents.

2.2.2 Establish Trustee Notification System

Prompt notification is important for efficient and effective initiation of the NRDA process. Response personnel are required under the National Contingency Plan (NCP) to notify trustees whenever natural resources under their jurisdiction or management have been, or are likely to be, injured as a result of an incident.

Therefore, each trustee should establish emergency notification protocols so that the process can be initiated on a 24-hour basis. Notification could be coordinated to minimize the number of calls response personnel must make to the trustees. Notification protocols are also helpful within trustee agencies so that appropriate regional and local personnel can be informed of an incident. Area and Regional Contingency Plans should include contact information for each trustee and clear, unambiguous criteria for trustee notification (e.g., all incidents, incidents over a certain size, location, etc.).

2.2.3 Identify Support Services

In many circumstances, trustees may require specialized contractual support. For example, research vessels may be necessary for sample collection or outside experts may be necessary to design and conduct studies. Delays in beginning assessment can be avoided if trustees can identify in pre-incident planning appropriate support services and pursue contracting procedures that will expedite incident-specific hiring of contractors.

Identified contractors may even be called on to participate in pre-incident planning so that all parties are familiar with the specific needs of the restoration process. Backup services should also be identified since the needs of both response and natural resource activities can exceed even regional capabilities.

2.2.4 Identify Natural Resources and Services at Risk

In the NCP, regional and area planning committees are responsible for the identification of natural resources under their jurisdiction that are potentially vulnerable to incidents for given geographic areas such as wetland habitats near oil terminals or bird rookeries near shipping routes. If there is an incident, the response teams will focus their efforts on protection of these natural resources and/or services considered most vulnerable. Trustees should actively participate in such planning committees to identify natural resources and services at risk. Trustees may want to develop scenarios for the types of natural resources and services that may be affected by an incident, and plan for appropriate NRDA protocols and procedures. Where practicable, data collection and analysis protocols should be similar to those used in baseline studies to ensure comparability with the incident-specific NRDA. Trustees should prepare standard protocols in a format that allows easy customization for a specific incident. Preassessment efforts may be better implemented and generate more useful data for the NRDA as a result of pre-incident planning. Trustees should prepare field kits for collection of samples and measurements in the early or emergency phase of a discharge. Appendix F lists recommended contents of various types of emergency sampling kits.

2.2.5 Identify Area and Regional Response Agencies and Officials

In order to participate actively in area and regional planning activities, trustees should identify the response agencies and officials. Developing a working relationship with these response agencies and officials will optimize coordination between assessment and response activities following an incident.

2.2.6 Identify Available Baseline and other Relevant Information

Trustees should identify and catalog sources of baseline information as part of pre-incident planning, including seeking input on sources of information. Types of information that may be important include:

- Petroleum hydrocarbon contamination in indicator organisms;[3]
- Species census and inventory data;
- Baseline data on species populations;
- Recreational use statistics; and
- Restoration measures applicable to natural resources and services.

Familiarity with the types of baseline information and identification of data gaps and needs should result in better study designs and restoration approaches.

2.2.7 Establish Data Management Systems

Data management and record keeping are critical throughout an NRDA. Data management systems designed during pre-incident planning may minimize the loss of critical information during an incident. For small incidents, this may be a relatively simple filing system, but for large incidents, a centralized computer-based system may be more appropriate.

[3] For baseline information on petroleum hydrocarbons, useful sources include the: State Mussel Watch programs; NOAA's National Status & Trends Program (NS&T); U.S. Fish & Wildlife Service's (USFWS) Biological and Environmental Status & Trends Program (BEST); U.S. Environmental Protection Agency's (USEPA) Environmental Monitoring & Assessment Program (EMAP); and U.S. Geological Survey's (USGS) National Water Quality Assessment Program (NAWQA).

Trustees may decide to develop consistent data management formats, such as field, laboratory and QA forms, to facilitate data management. Data management should address the:

- Type and volume of data;
- Uses and users of the data;
- Availability of existing data management structures;
- QA and chain-of-custody requirements;
- Reporting requirements; and
- Accessibility of the data.

Data management should also include provisions for distribution of updates for the trustees and others on a timely basis. Guidance on developing and applying effective data management systems can be found in Michener et al. (1985), Michener (1986), and USEPA (1990).

2.2.8 Identify Assessment Funding Procedures and Options

Funding of trustee activities should be addressed during pre-incident planning because of the need to initiate actions expeditiously after an incident. Trustees may have several sources of potential funding, including:

- RPs;
- Oil Spill Liability Trust Fund (Fund) for initiating activities; and
- Agency funding.

Trustees should consult the available guidance from the U.S. Coast Guard (USCG) for access to the Fund (U.S. Coast Guard, 1995), and incorporate these procedures into pre-incident planning.